

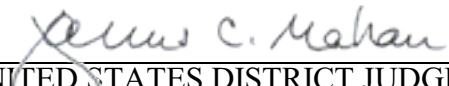
1 discovered in time to move for a new trial under Rule 59(b); (3) fraud
2 (whether heretofore denominated intrinsic or extrinsic),
3 misrepresentation, or other misconduct of an adverse party; (4) the
4 judgment is void; (5) the judgment has been satisfied, released, or
5 discharged, or a prior judgment upon which it is based has been reversed
or otherwise vacated, or it is no longer equitable that the judgment should
have prospective application; or (6) any other reason justifying relief
from the operation of the judgment.

6 Motions to reconsider are generally left to the discretion of the trial court. *See Combs v. Nick Garin*
7 *Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). In order to succeed on a motion to reconsider, a party
8 must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior
9 decision. *See Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal. 1986),
10 *aff'd in part and rev'd in part on other grounds* 828 F.2d 514 (9th Cir. 1987). Rule 59(e) of the Federal
11 Rules of Civil Procedure provides that any "motion to alter or amend a judgment shall be filed no later
12 than 28 days after entry of the judgment." Furthermore, a motion under Fed. R. Civ. P. 59(e) "should
13 not be granted, absent highly unusual circumstances, unless the district court is presented with newly
14 discovered evidence, committed clear error, or if there is an intervening change in the controlling law."
15 *Herbst v. Cook*, 260 F.3d 1039, 1044 (9th Cir. 2001), *quoting McDowell v. Calderon*, 197 F.3d 1253,
16 1255 (9th Cir. 1999).

17 In his brief motion, plaintiff claims that the court confused some of his allegations in
18 counts II and III (docket #14). Plaintiff has failed to make an adequate showing under either Rule 60(b)
19 or 59(e) that this court's order dismissing certain claims should be reversed.

20 **IT IS THEREFORE ORDERED** that plaintiff's motion for district judge to reconsider
21 screening order (docket #14) is **DENIED**.

22 Dated this 8th day of March, 2011.

23
24 
25 UNITED STATES DISTRICT JUDGE
26